



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during November 2012**  
(**& Supplement for October 2012**)  
**DISTRIBUTED: January 4, 2012**

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

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The following cases were resolved to achieve compliance with the law, remediate environmental damage, restore natural resources to appropriate conditions, and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):**

*Air:*

**FPL Energy Wyman LLC & FPL Energy Wyman IV, LLC, Yarmouth, Maine.** FPL Energy Wyman LLC & FPL Energy Wyman IV, LLC (collectively “FPL Wyman”) violated requirements of their Department-issued air emission license by exceeding the facility’s license limit for opacity on “unit #3” once in 2006 and twice in 2008; exceeding the facility’s license limit for opacity on “unit #4” twice in 2007 and once in 2010; and exceeding the facility’s license limit for nitrogen oxides (NO<sub>x</sub>) on “unit #5” for a total of seventeen operating days between February 3, 2012 and July 7, 2012. To resolve the violations, FPL paid \$25,825 as a civil monetary penalty.

**The Naval Computer and Telecommunications Station Cutler, Cutler, Maine.** The Naval Computer and Telecommunications Station Cutler (“NCTAMS LANT DET”) violated requirements of its Department-issued air emission license by failing to conduct required nitrogen oxides (NO<sub>x</sub>) testing a total of eighteen times between July of 2007 and the fourth quarter of 2011. To resolve the violations, NCTAMS LANT DET agreed to pay \$18,000 as a civil monetary penalty.

**Quality Egg of New England, LLC, Turner, Maine.** Quality Egg of New England, LLC (“Quality Egg”) violated the Department’s rules for *Major and Minor Source Air Emission License Regulations* and *Rules Concerning the Processing of Applications and Other Administrative Matters* by failing to submit a license transfer application within two weeks after a property transfer that occurred on December 30, 2004. Quality Egg violated the Department’s rule for *Emission Statements* and the terms of its Air Emission License by failing to submit its 2008 Air Emission Statement by the required deadline. Quality Egg violated the *Maine Environmental Protection Fund* law and the terms of its Air Emission License by failing to pay an Annual Air Emission License fee by the required deadline. Quality Egg violated the Department’s rules for *Major and Minor Source Air Emission License Regulations* by failing to submit a renewal application in a timely manner after an existing license expired. To resolve the violations, Quality Egg paid \$1,400 as a civil monetary penalty.

**Red Shield Acquisition LLC d/b/a Old Town Fuel & Fiber, Old Town, Maine.** Red Shield Acquisition LLC d/b/a Old Town Fuel & Fiber (“Red Shield”) violated requirements of its Department-issued air emission license by: exceeding the facility’s Biomass Boiler license limit for opacity on 174 occasions between October 1, 2010 and June 30, 2012; exceeding the facility’s Biomass Boiler license limit for carbon monoxide on 582 occasions between October 1, 2010 and June 30, 2012; exceeding the facility’s #5 Power Boiler license limit for opacity on 99 occasions between October 1, 2010 and June 30, 2012; and violating the facility’s Smelt Dissolving Tank scrubber bypass prohibition on three occasions between January 1, 2011 and December 31, 2011. To resolve the violations, Red Shield will pay \$250,000 as a civil monetary penalty. Of the \$250,000 total penalty amount, \$200,000 will be offset by a Supplemental Environmental Project in the form of conducting an evaluation of the operational and environmental performance of an industrial biomass boiler using engineered composite pellets. The project will be conducted by the University of Maine utilizing the Red Shield biomass boiler and related equipment.



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*Hazardous Waste:*

**Clarks' Cars & Parts, Inc., Hallowell, Maine.** Clarks' Cars & Parts, Inc. ("Clarks'") violated Maine's *Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Standards for Generators of Hazardous Waste* by: failing to label or mark fourteen containers of hazardous waste gasoline with the the words "Hazardous Waste" and with an accumulation start date; failing to conduct and record daily inspections of containers of hazardous waste gasoline stored at the facility; accumulating hazardous waste gasoline for more than ninety days without a license; failing to store four 55-gallon drums of hazardous waste gasoline in containers free of rust and dents; failing to store six 55-gallon containers of hazardous waste gasoline upon a base which is a firm continuous working surface; failing to provide secondary containment for fourteen 55-gallon containers of waste gasoline stored at the facility; and failing to obtain an EPA identification number. In addition, Clarks' violated the Department's rules concerning *Identification of Hazardous Wastes* by failing to store four containers of universal waste mercury switches in closed containers with an accumulation start date and failing mark the four containers of universal waste mercury switches with the words "waste motor vehicle switches." Subsequent to Department involvement, Clarks' notified the Department that it had taken corrective actions to address the violations, including: properly labeling containers of hazardous waste; storing hazardous waste on a firm surface with adequate secondary containment; storing hazardous waste in suitable containers; removing hazardous waste from the site; conducting daily inspections of hazardous waste; obtaining a hazardous waste generator ID number; submitting monthly reports on hazardous waste generation activities; and recycling universal waste mercury switches stored at the facility. To resolve the violations, Clarks' paid \$5,410 as a civil monetary penalty.

**D.A.B. Inc., Freeport, Maine.** D.A.B. Inc. ("DAB") violated Maine's *Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Standards for Generators of Hazardous Waste* by: failing to label or mark twenty-one 55-gallon containers of hazardous waste gasoline with the the words "Hazardous Waste" and with an accumulation start date; failing to conduct and record daily inspections of containers of hazardous waste gasoline stored at the facility; accumulating hazardous waste gasoline for more than ninety days without a license; failing to store hazardous waste gasoline in containers that are free of rust and dents; failing to store four 55-gallon containers of hazardous waste upon a base which is a continuous impervious working surface; failing to provide secondary containment for twenty-one 55-gallon containers of waste gasoline stored throughout the facility; and failing to obtain an EPA identification number. DAB violated the Department's rules concerning *Identification of Hazardous Wastes* by failing to store universal waste mercury switches in closed containers labeled with the type of waste and an accumulation start date. In addition, DAB violated Maine's *Oil Discharge Prevention and Pollution Control* law by discharging oil at the site and not undertaking action to remove the discharges of oil. Subsequent to Department involvement, DAB notified the Department that it had taken corrective actions to address the violations, including: properly labeling containers of hazardous waste; storing hazardous waste on a firm surface with adequate secondary containment; storing hazardous waste in suitable containers; removing hazardous waste from the site; conducting daily inspections of hazardous waste; obtaining a hazardous waste generator ID number; submitting monthly reports on hazardous waste generation activities; and removing and disposing of oil contaminated soil. To resolve the violations, DAB will pay \$22,939 as a civil monetary penalty, according to a payment schedule.

*Mining:*

**George Anderson & Sons, Inc., Sebago, Maine.** George Anderson & Sons, Inc. ("Anderson") violated Maine's *Performance Standards for Quarries* by creating or operating a quarry exceeding one acre without submitting a "Notice of Intent to Comply" with the *Performance Standards for Quarries*. Specifically, Anderson operated an



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aggregate quarry of approximately two acres without having submitted the required notice. In addition, Anderson violated Maine's *Natural Resources Protection Act* by filling in approximately 3,000 square feet of a freshwater wetland during the construction of a road on the subject property without first obtaining a permit from the Department. Subsequent to Department involvement, Anderson submitted a Notice of Intent to Comply for the aggregate quarry and submitted a restoration plan to the Department to restore the impacted freshwater wetland and restored the wetland in accordance with the plan. To resolve the violations, Anderson will pay \$3,920 as a civil monetary penalty, according to a payment schedule.

*Oil:*

**Turner Realty, LLC, Turner, Maine.** Turner Realty, LLC failed to comply with Maine's *Underground Oil Storage Facilities and Groundwater Protection* law and the Department's *Rules for Underground Oil Storage Facilities* by failing to notify the Department of four property acquisitions upon which underground oil storage tanks (USTs) are or were situated and on thirty-five occasions failing to submit UST annual inspection results that include a certified statement signed by an underground oil storage tank inspector or installer that each tank and associated piping have been inspected and any deficiencies discovered during inspection have been corrected. To resolve the violations, Turner Realty, LLC paid \$75,000 as a civil monetary penalty.

**Superior Court Enforcement Resolutions (party followed by location):**

*Oil & Cost Recovery:*

**Donald G. Dube, Biddeford, Maine.** In a complaint filed by the State of Maine and Maine Department of Environmental Protection ("State"), the State alleged that Donald G. Dube ("Dube") violated Maine's *Oil Discharge Prevention and Pollution Control* law by discharging oil and failing to reimburse the Department for related clean-up costs. Specifically, the State alleged that Dube's sailing vessel, the *Pandora*, ran aground on the Biddeford side of the Saco river on September 4, 2009, while under the operation of Dube, causing a discharge of about forty gallons of diesel fuel to the Saco River in violation of Maine's *Oil Discharge Prevention and Pollution Control* law. A Notice of Violation issued by the Department and an order issued by the City of Biddeford and Biddeford Harbormasters requested that Dube remove the vessel. Dube failed to remove the vessel from the river following the Department's Notice of Violation and the City's order. In December 2009, the Department arranged for salvage of the vessel to abate and minimize the risk of further oil discharges and pollution to the river. The Department incurred expenses in the amount of \$19,298.12 for salvage and disposal of the vessel. The Department sought reimbursement of its expenditures, however, Dube did not pay the amounts owed to the Department. Upon Dube's failure to answer the State's complaint, the State requested that the court dismiss without prejudice all counts against Dube in the complaint with the exception of the count for reimbursement of the Department's expenses and enter a default judgment in favor of the State on the reimbursement count. The court granted the State's request and entered an order requiring Dube to pay \$26,775.02 (composed of \$19,298 in principal and \$7,476 in interest) to reimburse the costs incurred by the Department. In addition, costs and attorneys fees were awarded to the State.

*Solid Waste:*

**Pamela M. High, Sorrento, Maine.** In a complaint filed by the State of Maine and Maine Department of Environmental Protection ("State"), the State alleged that Pamela M. High violated Maine's *Hazardous Waste, Septage and Solid Waste Management* law by allowing and acquiescing in the storage and disposal of solid waste without a permit. Specifically, the Department alleged that Pamela M. High allowed the storage and disposal of solid waste at a property in Sorrento which she co-owns. Subsequent to the State's involvement, Pamela M. High



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removed solid waste from the property. In a Consent Decree entered into by the parties and approved by the court, Pamela M. High admitted to violations of Maine's *Hazardous Waste, Septage and Solid Waste Management* law and the Department's *Solid Waste Management Rules* and agreed that: she will not, and will not allow others to, bring waste onto the subject property from outside sources; that she will not stockpile waste in excess amounts; and will not store waste from the property on the property for more than six months. The prohibition does not apply to the storage of wood to be used as fuel or to food wastes brought to the property to feed farm animals on the property. The Consent Decree requires that any food waste for feeding animals must be removed from any containers or packaging prior to being fed to the farm animals and the containers or packaging must be properly disposed.

**Superior Court Enforcement Resolutions (party followed by location) (resolved during October 2012):**

*Solid Waste:*

**Judith High, Sorrento, Maine.** In a complaint filed by the State of Maine and Maine Department of Environmental Protection ("State"), the State alleged that Judith High violated Maine's *Hazardous Waste, Septage and Solid Waste Management* law by allowing and acquiescing in the storage and disposal of solid waste without a permit. Specifically, the Department alleged that Judith High allowed the storage and disposal of solid waste at a property in Sorrento which she co-owns. Subsequent to the State's involvement, Judith High arranged for removal, and proper disposal, of 7.04 tons of solid waste from the property and agreed to pay for such removal. In a Consent Decree entered into by the parties and approved by the court, Judith High admitted to violations of Maine's *Hazardous Waste, Septage and Solid Waste Management* law and the Department's *Solid Waste Management Rules* and agreed to pay remaining tipping fees for the disposed waste.